

SENATE BILL No. 187

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-298.5; IC 16-19-4; IC 16-31-3-23.7; IC 16-42-27.

Synopsis: Overdose intervention drugs reporting and standing orders. Requires the state department of health to ensure that a statewide standing order for the dispensing of an overdose intervention drug is issued for Indiana. Allows the state health commissioner or a public health authority to issue a statewide standing order for the dispensing of an overdose intervention drug. Requires certain emergency medical responders who administer an overdose intervention drug to report to the emergency medical services commission under the emergency medical service system review the number of times such a drug is dispensed.

Effective: July 1, 2016.

Merritt

January 6, 2016, read first time and referred to Committee on Health & Provider Services.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 187

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-298.5, AS ADDED BY P.L.138-2006,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 298.5. **(a)** "Public health authority", for purposes
4 of IC 16-22-8, and IC 16-41-9, means:

- 5 (1) the state health commissioner of the state department;
6 (2) a deputy or an assistant state health commissioner appointed
7 by the state health commissioner, or an agent expressly authorized
8 by the state health commissioner;
9 (3) the local health officer; or
10 (4) a health and hospital corporation established under
11 IC 16-22-8-6.

12 **(b) "Public health authority", for purposes of IC 16-42-27,**
13 **means any of the following who is a licensed prescriber:**

- 14 **(1) A deputy or assistant state health commissioner appointed**
15 **by the state health commissioner to act as a public health**
16 **authority.**
17 **(2) An agent employed by the state department that is**



1 **expressly authorized by the state health commissioner to act**
 2 **as a public health authority.**

3 SECTION 2. IC 16-19-4-4, AS AMENDED BY P.L.126-2012,
 4 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2016]: Sec. 4. (a) The state health commissioner is governed
 6 in the performance of the state health commissioner's official duties by
 7 IC 4-2-6 and IC 35-44.1-1-4 concerning ethics and conflict of interest.

8 (b) To learn professional skills and to become familiar with new
 9 developments in the field of medicine, **and except as provided in**
 10 **IC 16-42-27-2(f)**, the state health commissioner may, in an individual
 11 capacity as a licensed physician and not in an official capacity as state
 12 health commissioner, engage in the practice of medicine if the practice
 13 of medicine does not interfere with the performance of the state health
 14 commissioner's duties as state health commissioner.

15 SECTION 3. IC 16-19-4-5 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. **This section does**
 17 **not apply to the prescribing, dispensing, or issuance of a standing**
 18 **order for an overdose intervention drug under IC 16-42-27-2.** Any
 19 medical care provided to a patient by the state health commissioner is
 20 provided by the state health commissioner in an individual capacity as
 21 a licensed physician and the state is not liable for any act performed by
 22 the state health commissioner in this capacity.

23 SECTION 4. IC 16-31-3-23.7, AS ADDED BY P.L.32-2015,
 24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2016]: Sec. 23.7. An advanced emergency medical technician,
 26 an emergency medical responder, an emergency medical technician, a
 27 firefighter, a volunteer firefighter, a law enforcement officer, or a
 28 paramedic who:

- 29 (1) administers an overdose intervention drug; or
- 30 (2) is summoned immediately after administering the overdose
- 31 intervention drug;

32 shall report the number of times an overdose intervention drug is
 33 dispensed to the ~~state department~~ **commission** under the ~~state trauma~~
 34 ~~registry~~ **emergency medical services system review** in compliance
 35 with rules adopted by the ~~state department~~ **commission**.

36 SECTION 5. IC 16-42-27-1, AS ADDED BY P.L.32-2015,
 37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2016]: Sec. 1. As used in this chapter, "prescriber" means any
 39 of the following:

- 40 (1) A physician licensed under IC 25-22.5.
- 41 (2) A physician assistant licensed under IC 25-27.5 and granted
- 42 the authority to prescribe by the physician assistant's supervisory



1 physician and in accordance with IC 25-27.5-5-4.

2 (3) An advanced practice nurse licensed and granted the authority
3 to prescribe drugs under IC 25-23.

4 **(4) The state health commissioner, if the state health**
5 **commissioner holds an active license under IC 25-22.5.**

6 **(5) A public health authority.**

7 SECTION 6. IC 16-42-27-2, AS ADDED BY P.L.32-2015,
8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2016]: Sec. 2. (a) A prescriber may, directly or by standing
10 order, prescribe or dispense an overdose intervention drug without
11 examining the individual to whom it may be administered if all of the
12 following conditions are met:

13 (1) The overdose intervention drug is dispensed or prescribed to:

14 (A) a person at risk of experiencing an opioid-related
15 overdose; or

16 (B) a family member, a friend, or any other individual or entity
17 in a position to assist an individual who, there is reason to
18 believe, is at risk of experiencing an opioid-related overdose.

19 (2) The prescriber instructs the individual receiving the overdose
20 intervention drug or prescription to summon emergency services
21 either immediately before or immediately after administering the
22 overdose intervention drug to an individual experiencing an
23 opioid-related overdose.

24 (3) The prescriber provides education and training on drug
25 overdose response and treatment, including the administration of
26 an overdose intervention drug.

27 (4) The prescriber provides drug addiction treatment information
28 and referrals to drug treatment programs, including programs in
29 the local area and programs that offer medication assisted
30 treatment that includes a federal Food and Drug Administration
31 approved long acting, nonaddictive medication for the treatment
32 of opioid or alcohol dependence.

33 (b) A prescriber may provide a prescription of an overdose
34 intervention drug to an individual as a part of the individual's addiction
35 treatment plan.

36 (c) An individual described in subsection (a)(1) may administer an
37 overdose intervention drug to an individual who is suffering from an
38 overdose.

39 (d) An individual described in subsection (a)(1) may not be
40 considered to be practicing medicine without a license in violation of
41 IC 25-22.5-8-2, if the individual, acting in good faith, does the
42 following:



(1) Obtains the overdose intervention drug from a prescriber **or entity acting under a standing order issued by a prescriber.**

(2) Administers the overdose intervention drug to an individual who is experiencing an apparent opioid-related overdose.

(3) Attempts to summon emergency services either immediately before or immediately after administering the overdose intervention drug.

(e) An entity acting under a standing order issued by a prescriber must do the following:

(1) Annually register with either the:

(A) state department; or

(B) local health department in the county where services will be provided by the entity;

in a manner prescribed by the state department.

(2) Provide education and training on drug overdose response and treatment, including the administration of an overdose intervention drug.

(3) Provide drug addiction treatment information and referrals to drug treatment programs, including programs in the local area and programs that offer medication assisted treatment that includes a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(f) The state department shall ensure that a statewide standing order for the dispensing of an overdose intervention drug in Indiana is issued under this section. The state health commissioner or a designated public health authority who is a licensed prescriber may, as part of the individual's official capacity, issue a statewide standing order that may be used for the dispensing of an overdose intervention drug under this section. The immunity provided in IC 34-13-3-3 applies to an individual described in this subsection.

